

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Consistent with the Examiner's Amendment in the Notice of Allowability of June 3, 2004, Claims 18-39 have been cancelled and Claim 14 has been amended to include the amendment made to Claim 1 on February 25, 2004. Also consistent with the earlier Notice of Allowability, Applicants respectfully submit that the withdrawn Claims 14-17 should be included in the patent issuing from the present application.

Claims 1-13 were rejected under 35 U.S.C. 102 as being anticipated by the newly cited EP 0 993 060. Applicants wish to thank Examiner Martin for the courtesy of an interview on July 22, 2005 at which time the outstanding rejection was discussed. In particular, Applicants pointed out the EP '060 does not estimate the output characteristic of a fuel cell on the basis of a detected output current, a detected voltage and a predetermined basic output characteristic of the fuel cell. Instead, EP '060 controls the oxidizing gas supply to the fuel cell by sampling and smoothing an output current (Fig. 2, paragraph [0027]). As a result of this discussion, it was agreed that the claims define over EP '060.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

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